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To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 58 of House Bill No. 4800, "An Act Making Appropriations for the Fiscal Year 2011 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 58 establishes an Emergency Stockpile Trust Fund to serve as a shared supply base for cities and towns in the Commonwealth to use in the event of an emergency. I do not object to the purposes of this section.

This section, however, is vague and lacks direction as to critical logistics and directives necessary for such a fund to exist. To improve the section, I recommend including specific language to allow local governments and healthcare entities within the Commonwealth to access certain federal and state purchasing rates and agreements, with the overall goal of saving local governments money in the purchase of health care products and supplies intended for emergency preparedness use. Additionally, DPH needs specific discretion to review and approve. Lastly, the functional needs and associated staffing should be referenced within the section to ensure adequate infrastructure to support the emergency stockpile effort.

For these reasons, I recommend that Section 58 be amended by striking out the text and inserting in place thereof the following text:-

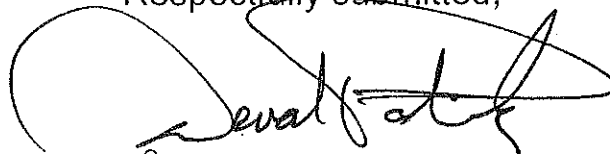
SECTION 58. Chapter 111 of the General Laws is hereby amended by inserting after section 5A the following section:-

Section 5A½. (a) There is hereby established and set up on the books of the commonwealth a separate trust fund to be known as the Emergency Stockpile Trust Fund for the purpose of effectively facilitating emergency management and pandemic preparedness in accordance with section 5A. The fund shall consist of monies collected pursuant to this section and any income derived from the investing of amounts credited to the fund. The department shall accept monies from municipalities, counties, healthcare facilities and other entities for the purpose of participating in federal contracts under 42 U.S.C. section 247d-6b and made available to states under 42 U.S.C. section 247d-3a. The commissioner shall be the trustee of the fund.

(b) Participating municipalities, counties, and healthcare facilities shall cooperate with the department to ensure that the lowest cost prices are obtained for necessary medicines and associated supplies. The commissioner, or a designee, shall decide whether medicine and associated supplies are acceptable for the purposes of this section. The department shall designate an employee within the department to administer the development and execution of the fund.

(c) The department shall oversee the distribution of the funds and shall ensure that the distribution complies with the commonwealth's emergency management plan. All monies deposited in the fund shall be expended on behalf of the contributing municipalities, counties or healthcare facilities for the purchase of health care products and supplies needed for the purposes set forth in the commonwealth's comprehensive emergency management plan and made available under contracts accessible to the commonwealth under 42 U.S.C. section 247d-3a and to support any reasonable and necessary administrative costs incurred by the department in managing the purchase of such products and supplies or otherwise overseeing the distribution of monies deposited into the fund. All monies deposited into the fund shall be expended exclusively for the purposes set forth in this section.

Respectfully submitted,



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